

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MONTANA**

FILED

SEP 27 2017

Petition for Warrant for Offender Under Supervision Clerk, U.S. District Court
District Of Montana
Billings

Name of Offender: Justin Hanley Bright Wings

Docket Number: 0977 1:12CR00116-001

Name of Sentencing Judicial Officer: THE HONORABLE SAM E. HADDON
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 05/29/2013

Original Offense: 18:113F.F; ASSAULT RESULTING IN SERIOUS BODILY INJURY

Original Sentence: 41 months custody, 36 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/17/2017

Assistant U.S. Attorney: Lori Harper Suek
2601 2nd Ave N, Box 3200, Billings, MT 59101, (406) 657-6101

Defense Attorney: Mark Werner
Federal Defenders Office, 2702 Montana Ave, Suite 101, Billings, MT 59101, (406) 259-2459

PETITIONING THE COURT

Background

On 05/29/2013, the defendant appeared for sentencing before THE HONORABLE SAM E. HADDON, UNITED STATES DISTRICT JUDGE, having pled guilty to the offenses of 18:113F.F; ASSAULT RESULTING IN SERIOUS BODILY INJURY. The offense involved the defendant driving a motor vehicle while intoxicated on the Crow Agency Reservation, with several adult and minor passengers inside. While driving on a rural road, the defendant crashed the vehicle, causing injury to several of the passengers, including a small child. The defendant was sentenced to 41 months custody, followed by 36 months supervised release. The defendant began the current term of supervised release on 03/17/2017.

On 07/31/2017, the defendant's probation officer conducted an unannounced contact at his residence, based off of suspicion he may have absconded from supervised release. At that time, the defendant was located and was counseled on the accrued violation behavior. He assured his probation officer he would achieve a level of compliance and begin following all rules and conditions imposed.

Since initiating the defendant's supervised release, the probation officer believes he has violated the following condition(s):

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<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|---|
| 1 | Special condition: The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office. |
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The defendant failed to report for urinalysis tests on two separate occasions; 04/20/2017 and 04/27/2017. Failure to report forms were collected by the probation office from the defendant's testing provider and it was determined he was not given authorization to miss the required tests.

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| 2 | Special condition: The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale. This condition supersedes standard condition number 7 with respect to alcohol consumption only. |
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The defendant provided a positive alcohol test on 05/05/2017, while at the United States Probation Office. He later signed an Admission Report form outlining his consumption of a Bud Light beer on 05/12/2017.

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| 3 | Special condition: The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office. |
|---|---|

The defendant failed to report for urinalysis testing on nine separate occasions; 05/08/2017, 05/21/2017, 05/24/2017, 06/14/2017, 06/19/2017, 06/29/2017, 07/06/2017, 07/12/2017, and 07/26/2017. Failure to report forms were collected by the probation office from the defendant's testing provider and it was determined he was not given authorization to miss the required tests.

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| 4 | Standard condition: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. |
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The defendant tested positive for methamphetamine while at the United States Probation Office on 08/01/2017. He later signed an admission form claiming he was exposed to methamphetamine while in a vehicle of people smoking the illegal substance. The test was sent to the national laboratory for confirmation testing and returned positive for methamphetamine use.

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- 5 **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The defendant provided a positive urinalysis test for methamphetamine on 08/23/2017, while at the contracted testing provider. The sample was sent to the national laboratory for confirmation testing. The results returned positive for methamphetamine use.

- 6 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests and not more than 104 breathalyzer tests annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.


The defendant failed to report for urinalysis testing on two separate occasions; 09/13/2017 and 09/21/2017. Failure to report forms were collected by the probation office from the defendant's testing provider and it was determined he was not given authorization to miss the required tests.

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.

Reviewed

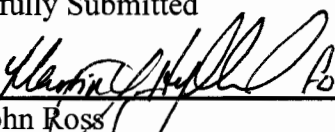
By:



Martin Hyland
Supervising United States Probation
Officer
Date: 09/27/2017

Respectfully Submitted

By:



John Ross
United States Probation Officer

Date: 09/27/2017

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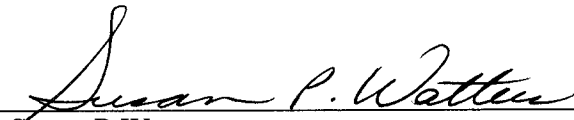
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ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 27th day of September, 2017, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.



Susan P Watters

United States District Judge

9-27-2017

Date